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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/986,350      | 11/08/2001  | Patrick Anthony Duffy | XA-9578             | 5221             |

7590 04/09/2003

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EXAMINER

SPISICH, GEORGE D

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3616

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

Applicant(s)

09/986,350

DUFFY, PATRICK ANTHONY

Examiner

Art Unit

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "the pivot member" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It appears that claim 14 may have been intended to depend from claim 13 since the pivot member is claimed in claim 13 and would correct the lack of antecedent basis that presently exists with claim 14 depending from claim 10. For examining purposes, it is considered that claim 14 depends from claim 13.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomaru et al. (USPN 5,547,221).

Tomaru et al. disclose collapsible steering assembly for a vehicle, the assembly including a steering column mounting bracket (6) being mountable on a vehicle body part. There is a deformable component (45) that is joined to the mounting bracket and that can collapse in the even of vehicle crash thereby to absorb energy. The mounting bracket supports upper and lower subassemblies that are slidably mounted one on the other. The deformable component has a normal relationship with the mounting bracket in which it is restrained by at least one locating means (bolt 10). As seen in Fig. 4, the locating means comprises at least one slot (43) in the mounting bracket and a locating pin (10) on the deformable component, or can be considered to have one slot in the deformable component and a locating pin "on" the mounting bracket.

The deformable component (45) comprises at least one stiff strip so configured as to provide a region of weakness (the bent portion at 41 is considered to be a region of weakness) about which the strip can be bent and thus collapsed upon receiving compressive force along the strip.

With respect to claim 2, it has been held that the term "integral" is sufficiently broad to embrace constructions united by means such as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). The deformable

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component 45 is fastened to the bracket 6 via fastener 10, and is thus integral with the bracket.

With respect to claims 8 and 11, as broadly interpreted, the slots are "open". The definition of a slot is, "a narrow opening or groove". These slots, being cut all the way through (to allow for the passage of a pin or bolt), are open.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomaru et al.

With respect to claims 7 and 10, although not explicitly disclosed that two deformable components are restrained on the bracket with a slot and locating pin, it would appear that in Fig. 3, should the figure have been continued, there would be a second deformable component mounted with a second slot and locating pin. Furthermore, as seen in Figs. 16-17 it is shown to be conventional to mount a steering column with a bracket having two slots and locating pins.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the steering column of Tomaru et al. with two deformable components by slots and locating pins as shown in the Prior Art Figs. 16-17 to ensure the proper and even collapse of the steering column to enhance the safety of the arrangement.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomaru et al. in view of Shimizu et al. (USPN 5,704,641).

Tomaru et al. does not explicitly disclose that the steering column has a provision to allow for rake and/or reach adjustment of the steering column.

However, Shimizu et al. show that it is well known to provide for rake and/or reach adjustment of a steering column.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow for rake and/or reach adjustment of the steering column as taught by Shimizu et al. to allow for adjustability of the steering arrangement to provide greater comfort for the driver.

***Allowable Subject Matter***

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Prior art does not show a deformable element that is a strip having a free end that is mounted to a universal joint bearing assembly of the steering column.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas et al (USPN 5,788,278), Matsumoto et al. (USPN 5,961,146), Singer, III et al. (USPN 5,520,416), Yamaguchi et al. (USPN 4,989,898), Hoffmann et al. (USPN 4,943,028), Fevre et al. (USPN 5,775,172), Yamaguchi et al. (USPN 5,378,021), Byon (USPN 5,618,058), Shimizu et al. (USPN 5,704,641), Riefe et al. (USPN 5,706,704), Pfannebecker (USPN 5,788,2798), Sadakata (USPN 5,056,818), Lewis (USPN 5,375,881), Lewandowski et al. (USPN 5,819,592), Stuedemann et al. (USPN 6,019,391), Hibino (USPN 6,224,104), Yabutsuka et al. (USPN 6,378,903), Marxer et al. (USPN 6,474,690).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 6:00-3:30 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is

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assigned are (703) 308-2571 for regular communications and (703) 305-7687 for  
After Final communications.

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
(703) 306-1113.

gds *gds*  
April 7, 2003

*Paul N. Dickson* 4/7/03  
PAUL N. DICKSON  
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